IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

O R D E R

Bhanwar Lal Vs. State of Rajasthan
S.B. CRIMINAL MISC. PETITION NO.822/05
Under Sec. 482 Cr.P.C.

DATE OF ORDER : 7th April,2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. Rakesh Arora for petitioner.

BY THE COURT:

This petition under Sec. 482 of the Code of Criminal Procedure has been filed for quashing and setting aside the order passed by the trial court which was affirmed by learned Revisional Court whereby prayer made by the petitioner to release the medicines seized from the shop of the petitiner was declined.

Learned counsel for the petitioner submits that it is agreed that at the relevant time when the medicines were seized, the petitioner was not having valid licence but subsequently the licence was renewed in the

name of same properitor and now renewed licence is upto year 2008. According to learned counsel, no purpose will be served by keeping the medicines with the Drug Inspector as it will expire after certain period.

Learned Public Prosecutor submits that the trial court and the revisional court both considered the matter properly, therefore, this misc. petition deserves to be dismissed.

After careful consideration of the submissions of the learned counsel for the parties, I am of the opinion that keeping the medicines seized is of no consequence particularly when the licence has been renewed, and now the petitioner is entitled to sell the medicine which was seized by the Drug Inspector.

In view of foregoing discussion, I deem it proper to allow the petition.

In the result the misc. petition is allowed and it is hereby directed that on

furnishing a personal bond of Rs.30,000/- with like amount of surety to the satisfaction of the learned court, the medicines so seized may be handed-over to the petition.

(SATYA PRAKASH PATHAK)J.